

110TH CONGRESS
1ST SESSION

H. R. 2338

To establish the policy of the Federal Government to use all practicable means and measures to assist wildlife populations in adapting to and surviving the effects of global warming, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2007

Mr. DICKS (for himself, Mr. INSLEE, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the policy of the Federal Government to use all practicable means and measures to assist wildlife populations in adapting to and surviving the effects of global warming, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—NATIONAL POLICY AND**
4 **STRATEGY**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “Global Warming Wild-
7 life Survival Act”.

1 **SEC. 102. NATIONAL POLICY ON WILDLIFE AND GLOBAL**
2 **WARMING.**

3 It is the policy of the Federal Government, in co-
4 operation with State, tribal, and affected local govern-
5 ments, other concerned public and private organizations,
6 landowners, and citizens to use all practicable means and
7 measures—

8 (1) to assist wildlife populations in adapting to
9 and surviving the effects of global warming; and

10 (2) to ensure the persistence and resilience of
11 the wildlife of the United States as an essential part
12 of our Nation’s culture, landscape, and natural re-
13 sources.

14 **SEC. 103. DEFINITIONS.**

15 In this title:

16 (1) **ECOLOGICAL PROCESSES.**—The term “eco-
17 logical processes” means the biological, chemical,
18 and physical interactions between the biotic and abi-
19 otic components of ecosystems, including nutrient
20 cycling, pollination, predator-prey relationships, soil
21 formation, gene flow, hydrologic cycling, decomposi-
22 tion, and disturbance regimes such as fire and flood-
23 ing.

24 (2) **HABITAT LINKAGES.**—The term “habitat
25 linkages” means areas that connect wildlife habitat
26 or potential wildlife habitat, and that facilitate the

1 ability of wildlife to move within a landscape in re-
2 sponse to the effects of global warming.

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (4) WILDLIFE.—The term “wildlife” means any
6 species of wild, free-ranging fauna including fish,
7 and also fauna in captive breeding programs the ob-
8 ject of which is to reintroduce individuals of a de-
9 pleted indigenous species into previously occupied
10 range.

11 **SEC. 104. NATIONAL STRATEGY.**

12 (a) REQUIREMENT.—

13 (1) IN GENERAL.—The Secretary shall, within
14 two years after the date of the enactment of this
15 Act, on the basis of the best available science as pro-
16 vided by the science advisory board under section
17 105, promulgate a national strategy for mitigating
18 the impacts of global warming on wildlife popu-
19 lations in the United States.

20 (2) CONSULTATION AND COMMENT.—In devel-
21 oping the national strategy, the Secretary shall—

22 (A) consult with the Secretary of Agri-
23 culture, the Secretary of Commerce, the Admin-
24 istrator of the Environmental Protection Agen-
25 cy, State fish and wildlife agencies, Indian

1 tribes, local governments, conservation organi-
2 zations, scientists, and other interested stake-
3 holders; and

4 (B) provide opportunity for public com-
5 ment.

6 (b) CONTENTS.—

7 (1) IN GENERAL.—The Secretary shall include
8 in the national strategy prioritized goals and meas-
9 ures to—

10 (A) identify and monitor wildlife popu-
11 lations likely to be adversely affected by global
12 warming;

13 (B) identify and monitor coastal, marine,
14 terrestrial, and freshwater resources and habi-
15 tat at greatest risk of being damaged by global
16 warming;

17 (C) assist species in adapting to the im-
18 pacts of global warming;

19 (D) protect, acquire, and restore wildlife
20 habitat to build resilience to global warming;

21 (E) provide habitat linkages and corridors
22 to facilitate wildlife movements in response to
23 global warming;

1 (F) restore and protect ecological processes
2 that sustain wildlife populations vulnerable to
3 global warming; and

4 (G) incorporate consideration of climate
5 change in, and integrate climate change adapta-
6 tion strategies for wildlife into, the planning
7 and management of Federal lands administered
8 by the Department of the Interior and lands
9 administered by the Forest Service.

10 (2) COORDINATION WITH OTHER PLANS.—In
11 developing the national strategy, the Secretary
12 shall—

13 (A) take into consideration research and
14 information in State comprehensive wildlife con-
15 servation plans, the North American Waterfowl
16 Management Plan, the National Fish Habitat
17 Action Plan, and other relevant wildlife con-
18 servation plans; and

19 (B) coordinate and integrate, to the extent
20 practicable and consistent with the policy set
21 forth in section 102, the goals and measures
22 identified in the national strategy with goals
23 and measures identified in such plans.

24 (c) REVISION.—The Secretary shall revise the na-
25 tional strategy not later than five years after its initial

1 promulgation, and not later than every ten years there-
2 after, to reflect new information on the impacts of global
3 warming on wildlife and advances in the development of
4 strategies for adapting to or mitigating for such impacts.

5 (d) IMPLEMENTATION.—

6 (1) IMPLEMENTATION ON DEPARTMENT OF
7 THE INTERIOR AND FOREST SERVICE LANDS.—To
8 achieve the goals of the national strategy and to im-
9 plement measures for the conservation of wildlife
10 identified in the national strategy—

11 (A) the Secretary shall exercise the author-
12 ity of such Secretary under this and other Acts
13 on lands administered by the National Park
14 Service, the United States Fish and Wildlife
15 Service, and the Bureau of Land Management;
16 and

17 (B) the Secretary of Agriculture shall exer-
18 cise the authority of such Secretary under this
19 and other Acts on lands administered by the
20 Forest Service.

21 (2) WILDLIFE CONSERVATION PROGRAMS.—
22 Consistent with their authorities under other laws,
23 the Secretary, the Secretary of Agriculture, and the
24 Secretary of Commerce shall administer wildlife con-
25 servation programs authorized under other laws to

1 achieve the goals of the national strategy and to im-
2 plement measures for the conservation of wildlife
3 identified in the national strategy.

4 **SEC. 105. ADVISORY BOARD.**

5 (a) SCIENCE ADVISORY BOARD.—

6 (1) IN GENERAL.—The Secretary shall establish
7 and appoint the members of a science advisory board
8 comprised of not less than ten and not more than
9 twenty members recommended by the President of
10 the National Academy of Sciences with expertise in
11 wildlife biology, ecology, climate change and other
12 relevant disciplines. The director of the National
13 Global Warming and Wildlife Science Center estab-
14 lished under subsection (b) shall be an ex officio
15 member of the science advisory board.

16 (2) FUNCTIONS.—The science advisory board
17 shall—

18 (A) provide scientific and technical advice
19 and recommendations to the Secretary on the
20 impacts of global warming on wildlife and its
21 habitat, areas of habitat of particular impor-
22 tance for the conservation of wildlife popu-
23 lations affected by global warming, and strate-
24 gies and mechanisms to mitigate the impacts of
25 global warming on wildlife in the management

1 of Federal lands and in other Federal programs
2 for wildlife conservation;

3 (B) advise the National Global Warming
4 and Wildlife Science Center established under
5 subsection (b) and review the quality of the re-
6 search programs of the Center;

7 (C) advise the Secretary regarding the best
8 science available for purposes of section
9 104(a)(1).

10 (b) NATIONAL GLOBAL WARMING AND WILDLIFE
11 SCIENCE CENTER.—

12 (1) IN GENERAL.—The Secretary shall establish
13 the National Global Warming and Wildlife Science
14 Center within the United States Geological Survey.

15 (2) FUNCTIONS.—The National Global Warm-
16 ing and Wildlife Science Center shall—

17 (A) conduct scientific research on national
18 issues related to the impacts of global warming
19 on wildlife and its habitat and mechanisms for
20 adaptation or mitigation of such impacts; and

21 (B) provide scientific support to Federal
22 land management agencies and Federal wildlife
23 agencies regarding such issues.

24 (c) DETECTION OF CHANGES.—The Secretary, the
25 Secretary of Agriculture, and the Secretary of Commerce

1 shall each exercise authorities under other laws to carry
2 out programs to detect changes in wildlife abundance, dis-
3 tribution, and behavior related to global warming, includ-
4 ing—

5 (1) conducting species inventories on Federal
6 lands and in marine areas within the exclusive eco-
7 nomic zone of the United States; and

8 (2) establishing and implementing robust, co-
9 ordinated monitoring programs.

10 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IMPLEMENTATION OF NATIONAL STRATEGY.—Of
12 the amounts appropriated to carry out this title for each
13 fiscal year—

14 (1) 45 percent are authorized to be made avail-
15 able to Federal agencies to develop and implement
16 the national strategy promulgated under section 104
17 on Federal lands, of which—

18 (A) 35 percent shall be allocated to the
19 Department of the Interior to—

20 (i) operate the National Global Warm-
21 ing and Wildlife Science Center established
22 under section 105; and

23 (ii) carry out the policy set forth in
24 section 102 and implement the national
25 strategy on lands within the National Park

1 System, lands within the National Wildlife
2 Refuge System, and public lands adminis-
3 tered by the Bureau of Land Management;
4 and

5 (B) 10 percent shall be allocated to the
6 Department of Agriculture to carry out the pol-
7 icy set forth in section 102 and implement the
8 national strategy on lands within the National
9 Forest System;

10 (2) 25 percent are authorized to be made avail-
11 able to Federal agencies to carry out the policy set
12 forth in section 102 and to implement the national
13 strategy through fish and wildlife programs, other
14 than for the operation and maintenance of Federal
15 lands, of which—

16 (A) 10 percent shall be allocated to the
17 Department of the Interior to fund endangered
18 species, migratory bird, and other fish and wild-
19 life programs administered by the United
20 States Fish and Wildlife Service, other than op-
21 erations and maintenance of the national wild-
22 life refuges;

23 (B) 8 percent shall be allocated to the De-
24 partment of the Interior for implementation of
25 cooperative grant programs benefitting wildlife

1 including the Cooperative Endangered Species
2 Fund, Private Stewardship Grants, the North
3 American Wetlands Conservation Act, the
4 Neotropical Migratory Bird Conservation Fund,
5 and the National Fish Habitat Action Plan,
6 and used exclusively for activities that address
7 the impacts of global warming on wildlife and
8 its habitat; and

9 (C) 7 percent shall be allocated to the Na-
10 tional Oceanic and Atmospheric Administration
11 to carry out the policy set forth in section 102
12 and to implement the national strategy through
13 Federal programs for conservation of fish and
14 wildlife under its jurisdiction; and

15 (3) 30 percent are authorized to be made avail-
16 able for grants to States and Indian tribes through
17 the State and Tribal Wildlife Grants Program au-
18 thorized under section 201, to—

19 (A) be used exclusively to carry out activi-
20 ties that address the impacts of global warming
21 on wildlife in accordance with State comprehen-
22 sive wildlife conservation plans developed and
23 approved under that program that contain ex-
24 plicit strategies for addressing the impacts of
25 global warming on wildlife; and

1 (B) revise existing State comprehensive
2 wildlife conservation plans as necessary to in-
3 clude specific strategies for addressing the im-
4 pacts of global warming on wildlife.

5 (b) AVAILABILITY.—

6 (c) INTENT OF CONGRESS.—It is the intent of Con-
7 gress that funding provided to Federal agencies and
8 States pursuant to this title supplement, and not replace,
9 existing sources of funding for wildlife conservation.

10 **TITLE II—STATE AND TRIBAL** 11 **WILDLIFE GRANTS PROGRAM**

12 **SEC. 201. STATE AND TRIBAL WILDLIFE GRANTS PROGRAM.**

13 (a) AUTHORIZATION OF PROGRAM.—There is author-
14 ized to be established a State and Tribal Wildlife Grants
15 Program to be administered by the Secretary of the Inte-
16 rior and to provide wildlife conservation grants to States
17 and to the District of Columbia, Puerto Rico, Guam, the
18 United States Virgin Islands, the Northern Mariana Is-
19 lands, American Samoa, and federally recognized Indian
20 tribes for the planning, development, and implementation
21 of programs for the benefit of wildlife and their habitat,
22 including species that are not hunted or fished.

23 (b) ALLOCATION OF FUNDS.—

24 (1) IN GENERAL.—Of the amounts made avail-
25 able to carry out this section for each fiscal year—

1 (A) 10 percent shall be for a competitive
2 grant program for Indian tribes that are not
3 subject to the remaining provisions of this sec-
4 tion;

5 (B) of the amounts remaining after the ap-
6 plication of subparagraph (A), and after the de-
7 duction of the Secretary's administrative ex-
8 penses to carry out this section—

9 (i) not more than one-half of 1 per-
10 cent shall be allocated to each of the Dis-
11 trict of Columbia and to the Common-
12 wealth of Puerto Rico; and

13 (ii) not more than one-fourth of 1 per-
14 cent shall be allocated to each of Guam,
15 American Samoa, the United States Virgin
16 Islands, and the Commonwealth of the
17 Northern Mariana Islands;

18 (C) of the amount remaining after the ap-
19 plication of subparagraphs (B) and (C), the
20 Secretary shall apportion among the States—

21 (i) one-third based on the ratio that
22 the land area of each State bears to the
23 total land area of all States; and

1 (ii) two-thirds based on the ratio that
2 the population of each State bears to the
3 total population of all States.

4 (2) ADJUSTMENTS.—The amounts apportioned
5 under subparagraph (C) of paragraph (1) for a fis-
6 cal year shall be adjusted equitably so that no State
7 is apportioned under such subparagraph a sum that
8 is—

9 (A) less than 1 percent of the amount
10 available for apportionment under that subpara-
11 graph that fiscal year; or

12 (B) more than 5 percent of such amount.

13 (c) COST SHARING.—

14 (1) PLAN DEVELOPMENT GRANTS.—The Fed-
15 eral share of the costs of developing a comprehensive
16 wildlife conservation plan shall not exceed 75 per-
17 cent of the total costs of developing such plan.

18 (2) PLAN IMPLEMENTATION GRANTS.—The
19 Federal share of the costs of implementing an activ-
20 ity in an approved comprehensive wildlife conserva-
21 tion plan carried out with a grant under this section
22 shall not exceed 50 percent of the total costs of such
23 activities.

24 (3) PROHIBITION ON USE OF FEDERAL
25 FUNDS.—The non-Federal share of costs of an activ-

1 ity carried out under this section shall not be paid
2 with amounts derived from any Federal grant pro-
3 gram.

4 (d) REQUIREMENT FOR PLAN.—

5 (1) IN GENERAL.—No State, territory, or other
6 jurisdiction shall be eligible for a grant under this
7 section unless it submits to the Secretary a com-
8 prehensive wildlife conservation plan that—

9 (A) complies with paragraph (2); and

10 (B) considers the broad range of the State,
11 territory, or other jurisdiction’s wildlife and as-
12 sociated habitats, with appropriate priority
13 placed on those species with the greatest con-
14 servation need and taking into consideration the
15 relative level of funding available for the con-
16 servation of those species.

17 (2) CONTENTS.—The comprehensive wildlife
18 conservation plan must contain—

19 (A) information on the distribution and
20 abundance of species of wildlife, including low
21 and declining populations as the State , terri-
22 tory, or other jurisdiction’s fish and wildlife
23 agency considers appropriate, that are indic-
24 ative of the diversity and health of the jurisdic-
25 tion’s wildlife;

1 (B) the location and relative condition of
2 key habitats and community types essential to
3 conservation of species identified in subpara-
4 graph (A);

5 (C) descriptions of problems which may
6 adversely affect species identified in subpara-
7 graph (A) or their habitats, and priority re-
8 search and survey efforts needed to identify fac-
9 tors that may assist in restoration and im-
10 proved conservation of these species and habi-
11 tats;

12 (D) descriptions of conservation actions
13 proposed to conserve the identified species and
14 habitats and priorities for implementing such
15 actions;

16 (E) proposed plans for monitoring species
17 identified in subparagraph (A) and their habi-
18 tats, for monitoring the effectiveness of the con-
19 servation actions proposed in subparagraph
20 (D), and for adapting these conservation ac-
21 tions to respond appropriately to new informa-
22 tion or changing conditions;

23 (F) descriptions of procedures to review
24 the comprehensive wildlife conservation plan at
25 intervals not to exceed ten years;

1 (G) plans for coordinating the develop-
2 ment, implementation, review, and revision of
3 the comprehensive wildlife conservation plan
4 with Federal, State, and local agencies and In-
5 dian tribes that manage significant land and
6 water areas within the jurisdiction or admin-
7 ister programs that significantly affect the con-
8 servation of identified species and habitats; and

9 (H) provisions for broad public participa-
10 tion as an essential element of the development,
11 revision, and implementation of the comprehen-
12 sive wildlife conservation plan.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated such sums as are nec-
15 essary to carry out this section.

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